



# THE FORT ST. GEORGE GAZETTE

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 23]

MADRAS, SATURDAY, OCTOBER 21, 1924.

[PRICE, 6 pias.

### PUBLIC DEPARTMENT (Enclosure.)

#### NOTIFICATIONS.

Part B, Group, October 21, 1924.

No. 24.—The following notifications of the Government of India is published:—

#### LEGISLATIVE DEPARTMENT

New Delhi, the 21st October 1924.

No. 7, 3123-C. & D.—In pursuance of sub-rule (2) of rule 27 of the Council of State Electoral Rules, 1919, the Governor-General is pleased to call upon the representatives of the Council of State in the Presidency of Madras to assemble immediately before the 1st April 1925, to elect members in accordance with the said rules, before the third day of December 1924.

No. 45.—By His Excellency the Governor-General has issued a notification calling upon the representatives of the Council of State in the Presidency of Madras to assemble immediately before the 1st April 1925 to elect members before the third day of December 1924, the Local Government are pleased, under rule 13 (2) of the Council of State Electoral Rules to appoint the following stand for the election:—

Registration of members.	Not later than 21st November 1924
Receipt of nominations.	11th November 1924
Roll.	14th November 1924

(By order of the Governor in Council)

G. T. BAOB,  
Acting Chief Secretary.

No. 32.—Whereas the Madras (Bhimavarasani) Constituency of the Council of State is constituted immediately before the 1st April 1925 has been called upon by notification to elect a member on or before the 1st December 1924, I, G. T. BAOB, the Acting Chief of the said constituency, do hereby give the following

#### Public Notice.

(1) The number of persons to be elected is one.  
(2) Nominations papers may be delivered to the undersigned at his office in the Secretariat Buildings, Fort St. George, or if he is unavoidably prevented from

meeting for same, to the Under Secretary to Government, Public (Executive) Department, at his office in the Secretariat Buildings, Fort St. George. They should be presented between 11 a.m. and 2 p.m. on or before the 1st day of November 1924.

(3) Forms of nomination paper may be obtained at the office of the person above mentioned between the hours of 11 a.m. and 2 p.m. from the 1st to the 10th November 1924.

(4) The nomination papers will be taken up for scrutiny at 12 noon on the 11th November 1924 in the office of the Returning Officer, Secretariat Buildings, Fort St. George.

(5) In the event of the election being postponed, the poll will take place on the 14th November 1924 between 10 a.m. and 5 p.m. in the office of the Returning Officer at the Fort St. George, Madras.

G. T. BAOB,  
Returning Officer.

No. 41.—Whereas the Madras (Venkataswami) Constituency of the Council of State is constituted immediately before the 1st April 1925 has been called upon by notification to elect their members on or before the 1st December 1924, I, G. T. BAOB, the Returning Officer of the said constituency, do hereby give the following

#### PUBLIC NOTICE.

(1) The number of persons to be elected is three.

(2) Nominations papers may be delivered to the undersigned at his office in the Secretariat Buildings, Fort St. George, or if he is unavoidably prevented, from receiving the same, to the Under Secretary to Government, Public (Executive) Department, at his office in the Secretariat Buildings, Fort St. George. They should be presented between 11 a.m. and 2 p.m. on or before the 10th day of November 1924.

(3) Forms of nomination paper may be obtained at the office of the person above mentioned between the hours of 11 a.m. and 2 p.m. from the 1st to the 10th November 1924.

(4) The nomination papers will be taken up for scrutiny at 12 noon on the 11th November 1924 in the office of the Returning Officer, Secretariat Buildings, Fort St. George.

(5) In the event of the election being postponed, the poll will take place on the 14th November 1924 between 10 a.m. and 5 p.m. in the office of the Returning Officer at the Fort St. George, Madras.

G. T. BAOB,  
Returning Officer.



# THE FORT ST. GEORGE GAZETTE

## EXTRAORDINARY

### PUBLISHED BY AUTHORITY

No. 75 MADRAS, SATURDAY, OCTOBER 21, 1936. (Price, 2 annas 2 p.)

#### Part IV—Proceedings of the Madras Legislature

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#### Act of the Local Legislature of Madras.

In pursuance of the provisions of sub-section (3) of section 81 of the Government of India Act, the following Act of the Local Legislature of Madras having been assented to by the Governor on the 17th October 1936 and by the Governor-General on the 27th October 1936, is hereby published for general information:—

#### ACT No. XVIII OF 1936.

*An Act further to amend the Madras Estates Land Act, 1908, and to amend the Madras Estates Land (Amendment) Act, 1934, for certain purposes*

WHEREAS it is expedient further to amend the Madras Estates Land Act, 1908, and to amend the Madras Estates Land (Amendment) Act, 1934, for the purposes hereinafter appearing:

IN—

[ 1 ]

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AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:—

Short Title.

1. This Act may be called the Madras Estates Land (Third Amendment) Act, 1908.

Amendment  
of section 5,  
Madras Act  
I of 1908

2. In section 3 of the Madras Estates Land Act, 1908 (hereinafter referred to as the said Act),—

Madras Act  
I of 1908.

(i) for sub-clause (a) of clause (2), the following sub-clause shall be substituted, namely:—

"(d) any inam village of which the grant has been made, confirmed or recognised by the British Government, notwithstanding that subsequent to the grant, the village has been partitioned among the grantees or the successors in title of the grantee or grantees.

*Explanation (1).—*Where an inam village is resumed by the Government, it shall cease to be an estate, but, if any village so resumed is subsequently re-granted by the Government as an inam, it shall, from the date of such re-grant, be regarded as an estate.

*Explanation (2).—*Where a portion of an inam village is resumed by the Government, such portion shall cease to be part of the estate, but the rest of the village shall be deemed to be an inam village for the purposes of this sub-clause. If the portion so resumed or any part thereof is subsequently re-granted by the Government as an inam, such portion or part shall, from the date of such re-grant, be regarded as forming part of the inam village for the purposes of this sub-clause; " and

(ii) for clause (10), the following clause shall be substituted, namely:—

"(10) 'Private land'—

(a) in the case of an estate within the meaning of sub-clauses (a), (b), (c) or (d) of clause (2), means the domain or hereditary land of the landholder by whatever designation known, such as *kudamam*, *khar*, *vir*, or *pannai*, and includes all

"Private  
land."

land which is proved to have been cultivated as private land by the landholder himself, by his own servants or by hired labour, with his own or hired stock, for a continuous period of twelve years immediately before the commencement of this Act; and

- (b) in the case of an estate within the meaning of sub-clause (d) of clause (2), means—
  - (i) the domain or home-farm land of the landholder, by whatever designation known, such as *kumbhotra*, *khas*, *sir* or *pannai*; or
  - (ii) land which is proved to have been cultivated as private land by the landholder himself, by his own servants or by hired labour, with his own or hired stock, for a continuous period of twelve years immediately before the first day of July 1906, provided that the landholder has retained the *kudivaram* ever since and has not converted the land into *ryoti* land; or
  - (iii) land which is proved to have been cultivated by the landholder himself, by his own servants or by hired labour, with his own or hired stock, for a continuous period of twelve years immediately before the first day of November 1933, provided that the landholder has retained the *kudivaram* ever since and has not converted the land into *ryoti* land; or
  - (iv) land the entire *kudivaram* in which was acquired by the landholder before the first day of November 1933 for valuable consideration from a person owning the *kudivaram* but not the *malikdaran*, provided that the landholder has retained the *kudivaram* ever since and has not converted the land into *ryoti* land, and provided further that, where the *kudivaram* was acquired at

a sale for arrears of rent, the land shall not be deemed to be private land unless it is proved to have been cultivated by the landholder himself, by his own servants or by hired labour, with his own or hired stock, for a continuous period of twelve years since the acquisition of the land and before the commencement of the Madras Estates Land (Third Amendment) Act, 1933."

Amendment  
of section 5,  
Madras Act  
1 of 1934.

3 Explanation (2) to sub-section (1) of section 5 of the said Act shall be renumbered as Explanation (5) and the following shall be inserted as Explanation (2), namely:—

"Explanation (2).—In relation to any frame village which was not an estate before the commencement of the Madras Estates Land (Third Amendment) Act, 1933, but became an estate by virtue of that Act, or in relation to any land in an frame village which ceased to be part of an estate before the commencement of that Act, the expressions 'now' and 'commencement of this Act' in this sub-section and Explanation (1) shall be construed as meaning the thirtieth day of June 1934, and the expression 'hereafter' in this sub-section shall be construed as meaning the period after the thirtieth day of June 1934."

Amendment  
of section 5,  
Madras Act  
1 of 1934.

4. In section 5 of the said Act,—

(i) the proviso to sub-section (1) shall be omitted;  
(ii) in sub-section (3), the words, figures and brackets 'except in the case referred to in the proviso to sub-section (1)' shall be omitted;  
and

(iii) after sub-section (4), the following sub-section shall be added, namely:—

"(b) If before the first day of November 1933, the landholder has obtained in respect of any land in an estate within the meaning of sub-clause (d) of clause (2) of section 3 a final decree or order of a competent Civil Court establishing that the tenant has no occupancy right in such land, and no tenant

has acquired any occupancy right in such land before the commencement of the Madras Estates Land (Third Amendment) Act, 1936, the landholder shall, if the land is not private land within the meaning of this Act, have the right, notwithstanding anything contained in this Act, for a period of twelve years from the commencement of the Madras Estates Land (Third Amendment) Act, 1936, of admitting any person to the possession of such land on such terms as may be agreed upon between them:

Provided that nothing contained in this subsection shall be deemed during the said period of twelve years or any part thereof to affect the validity of any agreement between the landholder and the tenant subsisting at the commencement of the Madras Estates Land (Third Amendment) Act, 1936."

5. After section 22 of the said Act, the following section shall be inserted, namely:—

*Insertion of  
new section  
22 in Madras  
Act 2 of  
1936*

" 22 Where in any suit or proceeding it becomes necessary to determine whether an innam village or a separated part of an innam village was or was not an estate within the meaning of this Act as it stood before the commencement of the Madras Estates Land (Third Amendment) Act, 1936, it shall be presumed, until the contrary is shown, that such village or part was an estate."

*Presumption  
that estate  
village was  
estate.*

6. To section 28 of the said Act, the following proviso shall be added, namely:—

*Amendment  
of section 28,  
Madras Act  
2 of 1936.*

" Provided that in the case of an estate within the meaning of sub-clause (d) of clause (2) of section 3, the rent or rate of rent lawfully payable by a ryot or tenant on the first day of November 1933 shall be presumed to be fair and equitable at the commencement of the Madras Estates Land (Third Amendment) Act, 1936, until the contrary is proved."

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Amendment  
of section  
163-A,  
Public Act  
1 of 1908.

Substitution  
of new  
section for  
section 163,  
Public Act  
1 of 1908.

Prescriptions  
that land is  
to be private  
land.

7. In clause (a) of sub-section (1) of section 163-A of the said Act, for the word, figure and brackets "Explanation (2)" the word, figure and brackets "Explanation (3)" shall be substituted.

8. For section 163 of the said Act, the following section shall be substituted, namely:—

"123. When in any suit or proceeding it becomes necessary to determine whether any land is the landholder's private land, regard shall be had—

- (1) to local custom,
- (2) in the case of an estate within the meaning of sub-clauses (a), (b), (c) or (d) of clause (2) of section 3, to the question whether the land was before the first day of July 1918, specifically let as private land, and
- (3) to any other evidence that may be produced:

Provided that the land shall be presumed not to be private land until the contrary is proved:

Provided further that in the case of an estate within the meaning of sub-clause (d) of clause (2) of section 3—

- (i) any expression in a lease, patta or the like, executed or issued on or after the first day of July 1918, to the effect or implying that a tenant has no right of occupancy or that his right of occupancy is limited or restricted in any manner, shall not be admissible in evidence for the purpose of proving that the land concerned was private land at the commencement of the tenancy; and
- (ii) any such expression in a lease, patta or the like, executed or issued before the first day of July 1918, shall not by itself be sufficient for the purpose of proving that the land concerned was private land at the commencement of the tenancy."

9. After section 185 of the said Act, the following sections shall be inserted, namely:—

"185-A (1) In the case of an insan village which was not an estate before the commencement of the Madras Estates Land (Third Amendment) Act, 1936, but became an estate by virtue of that Act, in respect of any land which does not fall under any of the categories referred to in paragraphs (i) to (iv) of sub-clause (b) of clause (10) of section 3 or under the category referred to in sub-section (4) or sub-section (5) of section 8, the landholder may within two years of the date of the commencement of the Madras Estates Land (Third Amendment) Act, 1936, lodge an application, in such manner as may be notified by the Local Government, for a declaration by a special Tribunal constituted as hereinafter provided, that the land was in such land was vested in him on the 1st day of November 1863 and that he has retained it ever since.

(2) (a) A special Tribunal or special Tribunals shall, from time to time, as occasion may arise, be constituted to hear and dispose of applications of the nature specified in sub-section (1).

(b) Every such Tribunal shall consist of three members chosen by the Governor one of whom shall be a Judicial officer eligible for appointment as a Judge of the High Court and another shall be an experienced Revenue officer. The Governor shall appoint one of the members of the Tribunal as the President thereof.

(c) Clauses (i) and (ii) of the second proviso to section 185 shall apply to proceedings under this section.

(d) Any order under this sub-section passed by a special Tribunal or by a majority of the members thereof shall be final and shall not be liable to be questioned in any court of law.

Inserted at  
Port of George  
186-11-11  
186-11-11  
Madras Act  
1 of 1936.  
Declaration  
of land  
the interest  
of landholder.



Acquisition  
of occupancy  
rights in lands  
in which  
landholder  
is declared to  
be an owner.

18-B (1) Any land in respect of which the landholder is declared under section 18-A to have vested in the landholder on the 1st day of November 1933 and to have been retained by him ever since shall be ryots land.

(2) In respect of any land referred to in subsection (1), the landholder shall, on the application of the tenant and on the tender by him as compensation of an amount equal to the annual rent payable in respect of the land as may have been agreed to by the landholder together with the cost of preparing any instrument required for the purpose, confer upon the tenant a permanent right of occupancy in respect of the said land.

Provided that in the case of a dispute as to the amount payable as compensation, the tenant or the landholder may apply to the Collector to fix the same and the Collector may determine an amount equal to the annual rent payable in respect of the land as the amount payable as compensation.

(3) If a landholder to whom an application and tender have been made by a tenant fails for a period of one month to confer a permanent right of occupancy, the tenant may deposit the amount payable as compensation together with the cost of preparing any instrument required for the purpose in the Collector's office and apply to the Collector to confer on him a permanent right of occupancy in respect of that land.

(4) The Collector shall thereupon give notice of the application to the landholder and after hearing him if he appears and making such inquiry as he thinks necessary, may execute any instrument required for conferring a permanent right of occupancy upon the tenant in respect of the land and such execution shall have the same effect as an execution by the landholder.

(5) Notwithstanding anything contained in section 151 or in any other provision of this Act, where the tenant—

(a) fails within a period of one year from the date of the declaration referred to in sub-section (1) to make an application and tender to the landholder under the first paragraph of sub-section (2), or

(b) in the case of a dispute as to the amount payable as compensation, fails to tender the amount fixed as compensation by the Collector under the proviso to sub-section (2) within a period of one year from the date of such determination, the tenant shall, on the application of the landholder to the Collector, be liable to be ejected;

Provided that in the event of an appeal to the District Collector regarding the amount of compensation, the period of one year referred to in clause (b) shall be computed from the date of the disposal of the appeal.

10. In sub-section (1) of section 192 of the said Act, after the words 'or to any specified classes of such suits, applications, appeals or proceedings', the words 'or to applications or other proceedings before the Tribunal constituted under section 185-A' shall be inserted.

11. In Part B of the Schedule to the said Act, after item 43 relating to section 163, 2nd paragraph, the following item shall be added, namely:—

"44. 192 B (2) For delivery of possession of the property to the tenant." District Collector."

12. In sub-section (3) of section 127 of the Madras Estates Land (Amendment) Act, 1924, for the words "the 1st day of November 1936" in both the places where they occur, the words, figures and brackets "the date of the commencement of the Madras Estates Land (Third Amendment) Act, 1936" shall be substituted.

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13. All proceedings stayed under sub-section (2) of section 127 of the Madras Estates Land (Amendment) Act, 1934, shall be disposed of as if the Madras Estates Land Act, 1909, as amended by the Madras Estates Land (Amendment) Act, 1934, and by this Act, had been in force at the time of the institution of the said proceedings in the court of first instance. Madras  
VIII of  
1934
14. In computing the period of limitation prescribed for any suit or application for the ejectment of a tenant or for any proceeding involving a decision whether or not the landlord has the kudivaram right in any land in an izam village, the period between the date on which the Madras Estates Land (Amendment) Act, 1934, came into force and the date on which this Act comes into force shall be excluded in cases to which sub-section (2) of section 127 of the Madras Estates Land (Amendment) Act, 1934, applies. Madras  
VIII of  
1934

(By order of His Excellency the Governor)

P. APPU NAIR,  
Secretary to Government, Legal Department.